

EXHIBIT N

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DVIR UNGAR, et al.

vs.

00-02606(JR)

THE ISLAMIC REPUBLIC OF IRAN, et al.

PRETRIAL SUMMARY OF PROPOSED TESTIMONY AND EXHIBITS

Plaintiffs file this Pretrial Summary of Proposed Testimony and Exhibits in compliance with this Court's order of October 17, 2001.

FILED
DEC - 7 2001
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

I. **SUMMARY OF TESTIMONY**

The Plaintiffs will present the following witnesses at trial:

1. **Dr. Reuven Paz –**

Hamas (The Islamic Resistance Movement) was founded in Gaza in December, 1987, as an extension of the Palestinian Muslim Brotherhood. It established a clandestine military wing ("Iz al-Din al-Qasam Brigades") to carry out terrorist operations against Israelis, in the West Bank, Gaza, and Israel. In August 1988, Hamas published its covenant, stating its main objectives, including the elimination of Israel as a Jewish State, by using all possible means of armed struggle. The movement started its terrorist activity in early 1988, continuing to the present in a constant, intensive and increasingly sophisticated fashion, moving over the years from stabbings and throwing firebombs, to military-style ambushes and bombings. In the past 14 years, Hamas has murdered over 600 people.

The movement is listed by the U.S. State Department as a terrorist organization.

Hamas members began receiving terrorist training from Iranian proxy organizations such as Hizballah in the early 1990's. Between December 1992 and December 1993, 400 leading

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Hamas operatives were deported by Israel to Lebanon, where, with Syrian approval, they developed a close association with the pro-Iranian Hizballah and units of the Iranian Revolutionary Guards operating in areas of Lebanon occupied and/or controlled by the Syrian army. Hamas opened an official office in Tehran, and gradually established closer relationships with the Iranian government officials in charge of terrorism, espionage and military operations. The Oslo Accords that led to the establishment of the Palestinian Authority in 1994 reinforced the links between Hamas and Iran. Iran sought to thwart any possible reconciliation between Israel and the Palestinians and to this end Iran promoted Hamas' armed struggle. In late 1994, a group of 19 Hamas members was trained in a military base near Tehran. In the mid-1990's another group of Hamas operatives went through officers course in Iran. This advanced training of senior personnel enabled Hamas to maintain systematic, quality training of its operatives in the Palestinian territories, and to organize highly professional terrorist cells which were able to carry out more sophisticated operations including suicide operations, car bombs, kidnapping of Israeli soldiers, and repeated, successful ambushes and shooting forays within Israeli territory. . Since then, more Hamas members have been sent for training in Iran. Relations with Iran were reinforced in 1998, following the visit of Hamas leader Sheikh Ahmad Yasin to Iran.

In 1995-96 Hamas intensified its terrorist activity in order to affect the Israeli public and political developments in Israel, with public support from Iran. The movement succeeded in establishing many well-trained and well-equipped terrorist cells, including the "Surif Squad," which murdered Yaron and Efrat Ungar in June 1996.

The "Surif Squad" was established in April 1994, by 'Abd al-Rahman Isma'il Ghanimat, its commander responsible for the contact with the Hamas headquarters. Between the years 1995-

97, members of this squad carried out at least 7 terrorist operations by shooting and one suicide operation. These operations killed at least 11 civilians and one soldier, and injured 50 others.

The members of this and other cells were intensively trained on various weapons, explosives, and military equipment, and in tactical use of these weapons, by Hamas commanders who had received intensive, high-quality terrorist training in Iran and from Iranian proxy forces in Lebanon. Iran's contribution of political, financial, and training support to Hamas has been prominent. The Ministry of Information is the main conduit of financial, material, and training support to Hamas. Ayatollah Ali Hoseini Khamenei, Ali Akbar Hashemi-Rafsanjani and Ali Fallahian-Khuzestani were leaders of Iran in 1996 and prior thereto, and their approval was necessary to carry out Iran's program of providing financial and material support and training to Hamas.

2. **Dr. Adrien Ziderman** – Dr. Ziderman will testify to the economic losses sustained by the plaintiffs as a result of the murder of Yaron and Efrat Ungar. Specifically, he will testify that Yaron Ungar's lost earnings total \$1,273,028, or, adjusted for consumption, \$477,386.

3. **Dr. Patrick Clawson** – Iran has been the principal state sponsor of Hamas and of its Izz Al-Din Al-Qassam wing. Hamas publicly acknowledges its support from Iran. Iran routinely provides financial support and terrorist training to Hamas and its members. Specific information about the financing is available from both Iranian and Palestinian sources for the early 1990s; it would appear that Iran pledged \$15 million a month but actually delivered more like \$27-30 million a year.

Hamas has no source of funding and terrorist training as important or extensive as that provided by Iran. The Iranian Ministry of Information and Security is an agency of the Islamic

Republic of Iran and is the conduit responsible for Iran's program of providing material, financial support and training to Hamas for terrorism.

The confessions and court judgements regarding the members of the Hamas cell which murdered Yaron and Efrat Ungar (Abdel Rahman Ismail Rahman Ghanimat, Jamal Abdel Fatah Tzabieh al-Hor, Iman Mahmud Hassan Fuad Kafishe, and Raed Fakhri Abu Hamdiya) prove they were operatives of Hamas and its Izz Al-Din Al-Qassam wing. Their method of operation is typical of Hamas cells, and the reliance of these operatives on the Hamas leadership for financial support, technical assistance (e.g., arms), training and strategic direction is also characteristic of Hamas. The financial support and technical training Iran provides to Hamas leaders and commanders made it possible for Hamas to provide its terrorist cells (such as the cell which killed the Ungars) with the resources, training and technical ability needed to carry out terrorist attacks of this type.

In 1996 Iran was the world's principal state sponsor of terrorism increasing its economic support of terrorism to between \$50-100 million, a substantial increase from 1995. Iran's economic position has increased greatly since 1996 as a result of world oil prices.

4. **Yehudit Barsky** – Ms. Barsky will testify that since the early 1990's, Iran has provided tremendous financial, material and logistic support to Hamas, including training in weapons and explosives. In addition to providing a yearly sum of tens of millions of dollars, Iran, Iran's Revolutionary Guards and the Iranian proxy organization Hizballah have supplied logistic and training to Hamas operatives. In 1992, the Iranian government promised to provide training for 3000 Hamas terrorists. With Iranian support, Hamas opened an "embassy" in Tehran to maintain "contacts and coordination" with Iran and other Iranian sponsored terrorist organizations including Hizballah in the mid 1990's. Musa Mohammad Abu Marzuq, chief of Hamas' Political Bureau, led a "political and military delegation" to Tehran in October 1992 in

order to "conclude a number of political and military cooperation agreements with Iran and Lebanese Hizballah."

5. **Ron Shaked** – Mr. Shaked will testify to the organizational structure and modus operandi of Hamas cells, and the funding, training, and support supplied by Iran. At least two dozen Hamas leaders have trained in Iran and many others have trained in Iranian sponsored camps in the Beka'a Valley of Lebanon. Hamas operatives trained by Iranian forces and proxies assume the role of trainers themselves, and trained Hamas terrorists located in the West Bank and Gaza in the terrorist techniques learned in Iran and Lebanon. Mr. Shaked will testify to the organizational structure and methodology of the Hamas cell which murdered the Ungars.

6. **Dr. Alan Friedman** – Dr. Friedman will testify to the nature of the injuries sustained by Yaron and Efrat Ungar. He will review the forensic medical examinations of the Ungars. Yaron did not die instantaneously. He survived for a short period following the attack. This is indicated by the ascending trajectory of the bullets which struck him and the fact that none penetrated his brain. Effie was killed instantaneously by bullets which created large, gaping wounds in her neck and skull.

7. **Dr. Meyer Ungar** – Dr. Ungar will testify about the close emotional relationship he had with his son, his son's role in his family, the impact of Yaron's death on him and Yaron's two minor children.

8. **Judith Ungar** – From his youth in Philadelphia, Yaron demonstrated leadership qualities and was always at the center of his group of friends, becoming the most popular boy in his class. He gave the eighth grade valedictorian speech. He was a lover of sports, especially basketball, was active in a local youth movement, and an avid hiker. He was very handy at home and always ready to lend a hand. Yaron and Effie met at the age of 23 and were instantly in love.

After three months they were married. Because they were particularly close (speaking almost every day on the phone and visiting virtually every other weekend), the loss is particularly painful. Yaron was a success as a junior high school teacher and was able to touch the hearts of the young people in his class. He led children on trips, played with them during recess, and utilized advanced teaching methods. Together, he and Effi would prepare teaching materials. Yaron prepared the written materials and Effi the pictures. Effi and Yaron were model parents. They were very close to their children. Dvir was especially close to Yaron and always asks for "my father."

9. **Michal Cohen** – As Yaron's older sister, they grew up together and shared numerous childhood experiences. For many years growing up, they shared a bedroom. As Yaron grew, Michal became his confidante. They frequently had serious discussions together about his future and personal relationships. Her life has been greatly impacted by Yaron's death.

10. **Amichai Ungar** – As an older brother, Yaron was his role model and best friend. Yaron helped him mature. Yaron's death had a tremendous emotional impact on him. Yaron constantly took care of him, taking him to play soccer in the neighbor's yard. Yaron was a source of protection and strength. Growing up he was a role model as an athlete and student. After his death, Amichai learned that Yaron secretly financially supported a boy from a disadvantaged family, paying his school tuition.

11. **Dafna Ungar** – Yaron's most prominent trait was his love for life as expressed by an ever-permanent smile on his face. He was a constant source of inspiration and a role model as an older brother. Yaron inspired her with a positive outlook on life. He was constantly smiling.

12. **Uri Dasberg** – Yaron was an ideal son-in-law, someone with whom Rabbi Dasberg shared many things in common, including a love for learning. He collaborated with his

father-in-law on a book concerning Jewish law. He also collaborated with Effi on a weekly newsletter that was widely distributed. As a graphic artist, Effi provided the drawings for ideas by expressed words. She was an excellent and dutiful daughter and mother of her two children. Yaron and Effi were excellent parents.

Both Effi and Yaron were excellent teachers and demonstrated that repeatedly with their two sons.

13. **Judith Dasberg** – Mrs. Dasberg will testify about life for Dvir and Yishai without their parents.

Dvir and Yishai have suffered greatly from their parents' murder and absence from their lives. Yaron was an outstanding, dedicated and loving father. Effi was pleasant, happy, had an upbeat personality, and a sense of serenity and balance. She was never angry. She was a loving and patient mother and did everything with joy and good spirit. As a mother she gave her children confidence and they were developing beautifully upon her murder. As a result of Effi's care for her children, Dvir began speaking before he was 10 months old and started walking before he was a year old. She was an avid reader of "how to" books for parents and was very particular about her children's upbringing. She was inspired by Dvir and her last drawings were about him. She was a dutiful daughter, friend, and resourceful problem solver. She was extremely dependable. At the time of her death, Effi was two months pregnant.

II. DAMAGE CALCULATION

A. Compensatory Damage

The Plaintiffs request compensatory damages against the Defendants, jointly and severally, in the following amounts:

Dvir Ungar - solatium and loss of consortium	\$12,000,000.00
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Yishai Ungar - solatium and loss of consortium	\$12,000,000.00
Meyer Ungar - solatium and loss of consortium	\$ 5,000,000.00
Judith Ungar - solatium and loss of consortium	\$ 5,000,000.00
Amichai Ungar - solatium and loss of consortium	\$ 5,000,000.00
Dafna Ungar - solatium and loss of consortium	\$ 5,000,000.00
Michal Cohen - solatium and loss of consortium	\$ 5,000,000.00
Uri Dasberg - solatium and loss of consortium	\$ 2,500,000.00
Judith Dasberg - solatium and loss of consortium	\$ 2,500,000.00
Estate of Yaron Ungar - loss of accretions	\$ 477,386.00
Estate of Yaron Ungar - survival damages	\$ 1,000,000.00

B. Punitive Damage

The Plaintiffs further request punitive damages against all Defendants in the amount of \$300,000,000.00

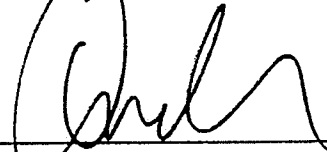
III. EXHIBITS

The following exhibits will be introduced by the Plaintiff:

1. Conviction of Iman Mahmud Hassan Fuad Kafishe
2. Conviction of Raed Fakhri Abu Hamdiya
3. Conviction of Abdel Rahman Ismail Abdel Rahman Ghanimat and Jamal Abdel Fatah Tzabich al-Hor.
4. CV – Dr. Reuven Paz
5. CV – Yehudit Barsky
6. CV – Dr. Patrick Clawson
7. CV – Dr. Adrien Ziderman

8. Dr. Adrien Ziderman report
9. CV – Dr. Alan Friedman
10. Forensic medical examination of Yaron Ungar from June 10, 1996
11. Forensic medical examination of Efrat Ungar from June 10, 1996
12. Passport of Yaron Ungar
13. Birth certificate of Yaron Ungar
14. Report of the Death of an American Citizen Abroad (Yaron Ungar)
15. Pictures of Yaron and Effi Ungar and family
16. Police crime scene investigation report including pictures
17. Confession of Sharif Dehabrah Alwan to Israeli police on August 3, 1995
(excerpts)
18. Confession of Mahmoud Khalaf to Israeli police on April 19, 1999 (excerpts)
19. Confession of Mahmoud Khalaf to Israeli police on May 11, 1999 (excerpts)
20. Confession of Mahmoud al-Hindi to Israeli police on December 27-28, 1999
(excerpts)
21. Confession of Hasan Salameh to Israeli police on July 2, 1996 (excerpts)

Attorney for the Plaintiffs,



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CERTIFICATION

I hereby certify that on the 26th day of November, 2001, I mailed via regular mail (postage paid) as well as via DHL International overnight mail return receipt requested, a true copy of this pleading, along with Farsi translations of this document, references exhibits, and this Court's order of October 17, 2001, to:

Dr. Kamal Kharrazi
The Islamic Republic of Iran
Ministry of Foreign Affairs
Khomeini Avenue United Nations Street
Teheran, Iran

The Iranian Ministry of Information and Security
Pasdaran Avenue Golestan Yekom
Teheran, Iran

Ayatollah Ali Hoseini Khamenei
Supreme Leader of the Islamic Republic of Iran
Office of the Supreme Leader
Palestine Street
Teheran, Iran

Ali Akbar Hashemi-Rafsanjani
Former President of the Islamic Republic of Iran
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